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Attorneys for Plaintiff
LEVI STRAUSS & CO.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO.,

Plaintiff,

v.

FIVE FOUR CLOTHING, INC.,

Defendant.

Case No. C 08-0478 MHP

**PLAINTIFF LEVI STRAUSS &
CO.'S ANSWER TO DEFENDANT'S
COUNTERCLAIM FOR
DECLARATORY RELIEF**

DEFENDANT'S COUNTERCLAIM

Plaintiff Levi Strauss & Co. ("LS&CO.") answers the Counterclaim of defendant Five Four Clothing, Inc. ("Five Four") as follows:

NATURE OF THE ACTION AND RELIEF SOUGHT

52. LS&CO. admits that Five Four purports to seek the relief set forth in this paragraph.

PARTIES

53. LS&CO. lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and on that basis denies the allegations.

54. LS&CO. admits the allegations of this paragraph.

JURISDICTION AND VENUE

55. LS&CO. admits that Five Four purports to bring this action under the cited statutes and

1 that this Court has subject matter jurisdiction over this action.

2 56. LS&CO. admits the allegations of this paragraph.

3 57. LS&CO. admits the allegations of this paragraph.

4 **CLAIM FOR DECLARATORY RELIEF**

5 58. LS&CO. incorporates herein by reference its answers to paragraphs 52-57 set forth
6 above.

7 59. LS&CO. lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations of this paragraph, and on that basis denies the allegations.

9 60. LS&CO. lacks knowledge or information sufficient to form a belief as to the truth of
10 the allegations of this paragraph, and on that basis denies the allegations.

11 61. LS&CO. lacks knowledge or information sufficient to form a belief as to the truth of
12 the allegations of this paragraph, and on that basis denies the allegations.

13 62. LS&CO. admits that it has filed a complaint against Five Four, and states that the
14 complaint speaks for itself.

15 63. LS&CO. admits the allegations of this paragraph.

16 64. LS&CO. admits that Five Four purports to seek the relief set forth in this paragraph.

17 65. LS&CO. denies the allegations of this paragraph.

18 **PRAYER FOR RELIEF**

19 In response to the allegations in the Prayer for Relief, LS&CO. denies that Five Four is entitled
20 to the relief requested.

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1 Wherefore, LS&CO. prays as follows:

2 1. That Five Four take nothing by reason of its Counterclaim;

3 2. That this Court enter judgment in favor of LS&CO. and against Five Four on the
4 Counterclaim;

5 3. For LS&CO.'s cost of suit; and

6 4. For such other and further relief as the Court may deem fair and equitable.

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8 DATED: June 6, 2008

Respectfully submitted,

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10 By: /s/ Gia L. Cincone

Gia L. Cincone

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